

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

August 25, 2009

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:35 AM by Chair Susan Schaefer Kliman.
2. ROLL CALL - Board Members in Attendance: Sheila Bowen, Karen Cesare, Dawn Garcia, Stuart Lane, Chet Pearson, and Susan Schaefer Kliman and Howell "Chip" Shay. Absent: Claudia Perchinelli and Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. CALL TO THE PUBLIC – No members of the public addressed the Board.
4. ADOPTION OF MINUTES – Ms. Garcia moved to approve the July 28, 2009 minutes with a minor correction. Mr. Lane seconded. Motion Carried.
5. ENFORCEMENT MATTERS
Review, Consideration and Possible Vote on the following:
 - A. Proposed Dismissals
 1. M08-120, Bryan D. Morris, Architect #32576 – Mr. Joe Wehunt and Mr. Bryan Morris addressed the Board. Mr. Shay moved to dismiss this case. Ms. Garcia seconded. After discussion, Motion Carried.
 - B. Proposed Letters of Concern
 1. M09-027, Gene C. Harris, Land Surveyor #22762 – Mr. Lane moved that this case be remanded back to Staff to negotiate a consent agreement encompassing a Letter of Reprimand, survey to be recorded, and costs of investigation. Mr. Shay seconded. After discussion, Motion Carried.
 - C. Proposed Consent Agreements
 1. M06-039, Melvin C. McQuarrie, P.E. (Civil) #27881 – Ms. Bowen moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$620.00. Mr. Pearson seconded. After discussion, Motion Carried. (Mr. Pearson was not in the room for the vote.)
 2. M08-040, Joe R. Gonzalez, P.E. (Civil) #31474 – Ms. Bowen moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative

penalty in the amount of \$1,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$390.00. Mr. Pearson seconded. After discussion, Motion Carried.

3. M09-023, Annette D. King, Architect #22502 – Ms. Debra Luciano addressed the Board. Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$90.00. Ms. Garcia seconded. After discussion, Motion Carried.

Ms. Bowen moved to remand this matter back to Staff and requested an enforcement advisory committee meeting be held with regard to the allegation that Respondent may have failed to follow the client's instructions for the main entrance of the residence. Mr. Lane seconded. Motion Carried.

4. M09-101, Robert L. Bleyl, P.E. (Civil) #42544 – Ms. Garcia moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$90.00. Mr. Lane seconded. After discussion, Motion Carried.

D. Proposed Peer Reviewers

1. M07-040 and M07-063, Donald C. Allen, Land Surveyor #39258 – Mr. Lane moved to approve Mr. Allen's peer review candidates (David L. Sutherland, L.S. #30365 and Dale A. Jones, L.S. #36913). Mr. Pearson seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

A. Review, Consideration, and Possible Vote on the following:

1. HI10-004, Virendra T. Manaktala, Nonregistrant – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Assurance of Discontinuance: Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice as a home inspector or prepare home inspection reports, as defined by A.R.S. § 32-101(B)(19) and (20), unless and until he obtains certification from the Board which he cannot obtain for two (2) years from the effective date of this order and makes full payment of the ordered civil penalty; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$12,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$150.00. Mr. Lane seconded. After discussion, Motion Carried.

7. Review, Consideration, and Possible Vote on the following:

**EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR
POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

A. Registration

1. Adam P. Bronnenkant, P.E. (Civil) Applicant #082101 – Adam Bronnenkant addressed the Board. Mr. Pearson advised he knows the Applicant's attorney, Ms. Walker, but does not have a conflict of interest to participate in this item. Mr. Pearson moved to accept 36 month of education and put the application on hold for one (1) year from the date submitted to the Board to allow Mr. Bronnenkant to submit additional information. If no additional information is received, the file will be closed. Ms. Bowen seconded. After discussion, Motion Carried.

2. Todd Coons, P.E. (Mechanical) Applicant #090639 – Mr. Pearson moved to accept Mr. Coons's application and grant registration. Ms. Garcia seconded. After discussion, Motion Carried.

3. James Titus, Architect Application #080266 – Mr. Shay moved to accept Mr. Titus's application and grant the waiver of examination based on the Board's 10-year rule. Mr. Lane seconded. After discussion, Motion Failed.

Mr. Shay moved to allow applicant to either take and successfully pass the examination or withdraw his application. If he chooses not to withdraw, the Board will deny on the basis of lack of 10-year experience in his registering jurisdiction (Russia). Mr. Pearson seconded. After discussion, Motion Carried.

B. Renewal

1. Gene Fong, Architect #49618 – Gene Fong appeared telephonically and addressed the Board. Mr. Lane moved to grant Mr. Fong's renewal. Mr. Shay seconded. After discussion, Motion Carried.

C. Examination

1. Bryce Dallimore, Architect Application #090497 – Mr. Shay moved to deny Mr. Dallimore's application based only on lack of experience (he is short by 6-months) and to deny his request for a waiver of the Individual Development Program and ARE examination. Mr. Lane seconded. After discussion, Motion Carried.

2. Howard Engh, P.E. (Industrial) Application #090511 – Mr. Pearson moved to accept Mr. Engh's application, approve his supervisors, and allow him to take the examinations. Ms. Bowen seconded. Motion Carried.

3. Gregory Hess, Geology Application #090727 – Ms. Bowen notified the Board that she knows Mr. Hess but does not have a conflict of interest to participate in this item. Ms. Garcia moved to remand Mr. Hess's application back to Staff with a request for one more qualified reference. Mr. Lane seconded. After discussion, Motion Carried.

4. Richard Royer, P.E. (Industrial) Application #090728 – Mr. Pearson moved to accept Mr. Royer's application and approve him to take both examinations. Mr. Lane seconded. After discussion, Motion Carried.

5. Sean Sheridan, Architect Application #040832 – Mr. Shay moved to grant Mr. Sheridan's request to take the examination and extend his time for 26 months due to his military service. Mr. Pearson seconded. After discussion, Motion Carried.

8. **Review, Consideration, and Possible Vote on the following:**
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION
1. Granting of professional or in-training registration
 2. Approval to sit for the professional or in-training examination
 3. Recommendation for denial of professional or in-training examination

Mr. Lane moved to accept the committee and staff recommendations listed in item 8. Ms. Bowen seconded. Motion Carried.

9. LAPSE LIST – Mr. Lane moved to lapse the registrants named on the Lapse List. Ms. Garcia seconded. Motion Carried.

10. **Review, Consideration, and Possible Vote on the following:**
1. Board Member Discussion regarding Ethical Questions – This matter was discussed but no action taken. Dr. Schaefer Kliman advised Firm issues are on the Agenda for the Legislation and Rules committee.

11. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The Board is currently working with the Governor's office to see whether any of its proposed rules qualify for exemption.

Budget:

As of August 24, 2009, there was still no signed Budget Bill. One legislator has stated there will probably be an additional 5% reduction in state employees when the budget is approved. The figure put forth was an additional 1,750 terminations.

The Governor's office is still predicting budget reductions up to 20% for this fiscal year. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time.

Board Appointments

Mr. Dalrymple received the last of the loyalty oaths for the expired Board member position replacements on August 24, 2009. He will sign the oaths today, August 25, 2009, and the appointments will be deemed official at that time.

12. BOARD CHAIR'S REPORT – Dr. Schaefer Kliman thanked the out-bound Board members for their service and welcomed the in-coming Board members who attended the meeting.

13. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – The L&R Committee will be meeting after the October 27, 2009 Board meeting. Staff is researching issues raised at the July L&R meeting regarding Firm registration requirements and possible changes to definitions with respect to NCARB's changes.
2. Budget Committee – The Board has not received a budget from the Legislature as of yet. We have been told to continue using the budget issued last year until further notice. The Board finished Fiscal Year 2009 with approximately \$300,000 in reserve due to the budget restrictions imposed by the state. We are tracking on a monthly basis all expenses and revenue so we can determine if there is a dip in revenue that might require us to modify our expenditures.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS last met August 19 2009. Four main topics discussed were: 1) A home inspector's level of care – it was agreed that as long as the contract detailed the scope of work the committee felt there was no authority to adjust the agreement to do more or less; 2) Non-Arizona inspectors doing HUD and FHA inspections. The HUD/FHA checklists are finding their way into the consumer's hands and they are not home inspection documents. The agencies are trying to work with the home inspectors to flag these checklists as not for home inspections; 3) The enforcement advisory committee ("EAC") training – the program appears to be changing to involve all EAC members with a breakaway session for the home inspector group; and 4) Substantive policy statement in process for shut-off valves for pools and spas.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Pearson advised the next ERRS Committee meeting is scheduled for September 15, 2009.

14. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Nothing to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Ms. Cesare advised the annual meeting is scheduled for September 10 through 12, 2009 in Seattle, Washington. Ms. Douglas, Ms. Cornelius, and she will be attending and a report will be given at the September 22nd Board meeting.
4. National Association of State Boards of Geology ("ASBOG") – Ms. Garcia advised the next meeting is scheduled for November 5 through 7, 2009, in Birmingham, Alabama and Erick Weiland will be attending.

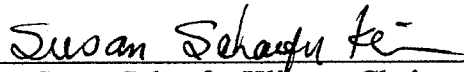
15. FUTURE BOARD MEETINGS – Tuesday, September 22, 2009, at 9:30 AM.

16. FUTURE AGENDA ITEMS

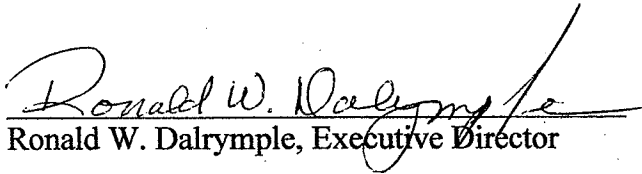
None at this time

17. ADJOURNMENT – Meeting adjourned at 12:18 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Kliman, Chair



Ronald W. Dalrymple, Executive Director